

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICHARD DAVID MORROW,)	3:08-CV-0274-BES (VPC)
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	July 31, 2008
)	
HOWARD SKOLNIK, et al.,)	
)	
Defendants.)	
)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PETITIONER(S): NONE APPEARING

COUNSEL FOR RESPONDENT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

This case was removed from the First Judicial District Court of Nevada on May 22, 2008 (#1). Several motions are now pending before the court. The court will address each in turn.

#29 Plaintiff's motion for enlargement of time to oppose defendants' motion to continue plaintiff's motion for summary judgment

In this motion, plaintiff sought a thirty-day enlargement of time to April 30, 2008 to oppose defendants' motion to continue plaintiff's motion for summary judgment. Defendants' filed a notice of non-opposition to this motion (#30) and plaintiff did, in fact, file an opposition to defendants' motion to continue on April 9, 2008 (#24). Therefore, plaintiff's motion for enlargement of time to oppose defendants' motion to continue plaintiff's motion for summary judgment (#29) **GRANTED *nunc pro tunc*.**

#23 Defendants' motion to continue plaintiff's motion for summary judgment and
#21 Plaintiff's motion for summary judgment

Defendants seek an order from the court either denying plaintiff's premature motion for summary judgment or an order continuing plaintiff's motion until discovery closes (#23). Plaintiff opposed this motion (#24) and defendants replied (#25).

Plaintiff filed a motion for summary judgment only one month after he commenced this action in the First Judicial District Court. Defendants have filed a motion to dismiss which has yet to be decided. Moreover, discovery has not yet commenced. The court finds that plaintiff's motion for summary judgment is premature. Therefore, defendants' motion to continue plaintiff's motion for summary judgment (#23) is **GRANTED**. Plaintiff's motion for summary judgment (#21) is **DENIED** without prejudice and with leave to renew after the completion of discovery in this case.

#32 Plaintiff's motion for enlargement of time to reply to defendants' opposition to motion for protective order

Plaintiff sought a thirty-day enlargement of time to April 30, 2008 to file a reply to defendants' opposition to motion for protective order (#32). Defendants opposed the motion (#33). The court notes that plaintiff did, in fact, file a reply brief on April 11, 2008 (#15); therefore, plaintiff's motion for enlargement of time to reply to defendants' opposition to motion for protective order (#32) is **GRANTED *nunc pro tunc***.

#13 Plaintiff's motion for protective order

In this motion, plaintiff seeks an order from the court preventing his transfer to another prison and/or preventing prison officials from "acting out in retaliation against plaintiff . . ." (#13). Defendants' opposed the motion (#14) and plaintiff replied (#15).

The court notes that plaintiff has litigation pending in case no. 3:07-CV-0288 concerning his claim of retaliatory transfers. The other relief that plaintiff seeks, which is preventing prison officials from "acting out in retaliation against plaintiff . . ." is not only unclear, but also impossible for the court to grant without monitoring all contact between plaintiff and prison officials. This the court will not do. Therefore, plaintiff's motion for a protective order (#13) is **DENIED**.

#35 Plaintiff's motion for production of documents and things

In this motion, plaintiff seeks discovery in this action. Defendants' opposed the motion (#36) and plaintiff replied (#37).

Plaintiff's motion is premature as discovery has not yet commenced in this action. Therefore, plaintiff's motion for production of documents and things (#35) is **DENIED**.

#39 Plaintiff's motion for enlargement of time to file opposition to motion to dismiss

Plaintiff sought a thirty-day enlargement of time to May 7, 2008 to file an opposition to defendants' motion to dismiss (#39). Defendants opposed the motion (#40) and plaintiff replied (#41). Plaintiff did, in fact, file an opposition to defendants' motion to dismiss (#28) on May 8, 2008. Therefore, plaintiff's motion for enlargement of time to file opposition to motion to dismiss (#39) is **GRANTED**.

#12 Plaintiff's motion to quash and disregard defendants' pending reply to plaintiff's opposition to motion to dismiss

Plaintiff seeks to have the court disregard defendants' reply to opposition to motion to dismiss as untimely. The defendants sought and received an enlargement of time to July 21, 2008 (#7) to file the reply. Moreover, plaintiff has sought and received extensions of time in this case. Therefore, plaintiff's motion to quash and disregard defendants' pending reply to plaintiff's opposition to motion to dismiss (#12) is **DENIED**.

#17 Plaintiff's motion for preliminary injunction and
#27 Defendants' motion to dismiss

Plaintiff's motion for preliminary injunction (#17) and defendants' motion to dismiss (#27) are fully briefed and are being taken under submission by this court.

No further documents shall be filed in this case until after the early mediation conference is conducted on September 3, 2008.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____ /s/
Deputy Clerk